

October 9, 2008

Philip Giudice, Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Commissioner Guidice,

Thank you for the opportunity to provide stakeholder comments to the Division of Energy Resources (DOER) prior to the revision of regulations regarding the renewable portfolio standard (RPS).

The Nature Conservancy (the Conservancy) is an international, nonprofit conservation organization. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. In Massachusetts, the Conservancy has over 32,000 members and we have protected 23,000 acres of land and ecologically significant freshwater and coastal resources.

The Conservancy is limiting its stakeholder comments on Class II RPS and the following question asked by DOER: What criteria should be required for any of the specified eligible technologies or fuels?

DOER should ensure that to qualify for the financial benefits of the RPS, hydroelectric facilities meet low environmental hydro facility impact standards such as those developed by the Low Impact Hydropower Institute (LIHI) (<http://lowimpacthydro.org/>) and adopted by Connecticut, Pennsylvania and other states. Massachusetts has over 3,000 dams, most of which block the pathways used by migrating fish, reduce and rearrange the patterns of flowing water that have choreographed aquatic life cycles for millennia, and change water quality. As the health of the Commonwealth's freshwater ecosystems have declined, so too have their ability to support both biodiversity and human needs. These changes can have significant effects on the social fabric and economic well-being of affected people and communities, particularly among those whose livelihoods are still closely connected to nature, such as coastal fishing communities.

However, we recognize that despite the threats they pose to natural systems, hydropower will be built and expanded to meet humanity's needs for energy. Because this development poses significant risks to our freshwater ecosystems, the Conservancy believes that it is important to develop low impact standards and engage with those responsible for this growth in an effort to minimize the environmental and social threats posed by these projects. The Conservancy speaks with a credible and reasonable voice on hydropower given that it has a representative on the board of the LIHI and is working closely in partnership with the International Hydropower Association to improve and enhance their certification standards for global application.

The Conservancy worked closely with dam owners in Massachusetts to craft compromise language included in the Green Communities Act which requires that each such new facility or increased capacity or efficiency at each such existing facility must meet appropriate and site-specific low impact hydropower facility standards. Appropriate standards need to address: adequate and healthy river flows, water quality standards, aquatic life passage and protection measures and mitigation and enhancement opportunities in the impacted watershed. In addition, the Division of Fisheries and Wildlife should have a role in determining appropriate standards.

Thank you again for the opportunity to comment. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Long", written in a cursive style.

Steve Long
Director of Government Relations